

Application No.: 10/815,054
Docket No.: UC0419USNA

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Remarks

AUG 07 2007

Status of the Application

Claims 1-22 are pending. Independent Claims 1 and 18 are amended. New dependent Claim 23 is added to protect an invention of interest.

Claim Amendments

Claim 1 is amended to advance the prosecution by particularly specifying that the conductive polymer is doped with at least one anion selected from the group consisting of organic anions and organic acid anions. This amendment is supported in the specification at page 7, line 25 to page 8, line 9. Amendments to the same effect have been made to independent claim 18.

Claim 2 is amended to specify that the organic anion is selected from the group consisting of non-polymeric organic acids and polymeric organic acids. This amendment finds support in the same text of the specification which supports the amendment to claim 1.

New claim 23 is added to capture the FSA polymer embodiment. An FSA polymer is defined as a highly-fluorinated sulfonic acid polymer, that is, one in which at least about 50% of the total number of halogen and hydrogen atoms in the polymer are fluorine atoms (page 9, lines 11-16).

Anticipation Not Established

The amended claims recite the following limitations:

- (i) a composition,
- (ii) comprising a non-aqueous dispersion having less than 40% by weight water,
- (iii) comprising at least one conductive polymer selected from polythiophenes, polypyrroles, polyanions, and combinations (copolymers) thereof, doped with at least one anion selected from the group consisting of organic anions and organic acid anions, and
- (iv) at least one colloid-forming polymeric acid.

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None of the references cited and of record present these limitations, nor do they present these limitations in the same combination as the claims. Accordingly, anticipation by Cao, Parker, Zhang, Schwark, and Tahon is not established. Applicants respectfully submit that the rejections have been overcome and should not be reapplied.

Double Patenting Not Established

Applicants respectfully assert that the ODP rejections are now moot by amendment, although Applicants maintain that the six different ODP rejections of Claims 1-21 were all improper.

Regarding co-pending Application No. 10/669,494, the claims, currently pending, are directed to a buffer composition comprising an aqueous dispersion of polydioxothiophene and at least one colloid-forming fluorinated polymeric sulfonic acid. There is no showing in the previous Office Action why it would have been obvious from this co-pending application to form a non-aqueous dispersion where the colloid-forming acid would have to be insoluble in the non-aqueous medium rather than in the aqueous medium of the co-pending case.

The same grounds for traverse apply to co-pending applications:

10/669,494
10/669,577
10/802,704
10/802,341 and
10/802,318

because the claims in each of these are also directed to aqueous dispersions.

Accordingly, Applicants' traverse of the ODP rejections with respect to the five co-pending applications listed above is respectfully maintained.

At MPEP §804, the Office requires that:

Any obviousness-type double patenting rejection should make clear:

(A) The differences between the inventions defined by the conflicting claims - a claim in the patent compared to a claim in the application; and

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(B) The reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim at issue is anticipated by, or would have been an obvious variation of, the invention defined in a claim in the patent.

Id (emphasis added). A conclusory statement in the Office Action that "they are not patentably distinct from each other because the instant claims more broadly describe the possible selection of various conductive polymers ..." is not a proper showing of obviousness-type double patenting. Applicants submit that the showing is even less proper when precisely the same one-line conclusion serves as the only analysis for all six rejections. Accordingly, Applicants submit that the Examiner has failed to follow the Office's requirements, and thus failed to establish a proper rejection of obviousness-type double patenting.

Co-Pending Application 10/803,114

In the interest of advancing the prosecution, Applicants file, concurrently with this paper, a terminal disclaimer with respect to the co-pending '114 Application.

Conclusion

The rejections should be explained if they are to be reapplied to the pending claims. Applicants respectfully solicit a notice of allowance. Should the Examiner have questions, the Examiner is invited to call the undersigned at the telephone number listed below.

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Respectfully submitted,


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